

EXHIBIT 10

Gaustad, John

From: Becker, Robert <RBecker@manatt.com>
Sent: Monday, April 12, 2021 5:15 PM
To: Gaustad, John
Cc: Kertell, Charles; Barot, Kishan; Smith, Douglas; Capella Team; Everingham, Chad; Henry, Claire; Fair, Andrea; DL Capella v Infinera; EXT Smith, Melissa (T-Mobile)
Subject: Re: Capella v. Infinera - Correspondence

[EXTERNAL EMAIL]

John,

Thank you for your letter dated April 7, 2021. The priority date for the Capella patent claims is March 19, 2001 as stated in Capella's response to the interrogatory. It is supported by the provisional application as stated in Capella's response to the interrogatory.

Your interrogatory requested the factual basis for the priority date and the provisional application was identified. Nothing has changed and nothing was withheld. You did not serve an interrogatory asking for conception dates.

Dr. Sergienko, in his April 5, 2021 expert report, stated that the inventions were conceived by November 28, 2000 – and that date of conception is supported by the signed and dated pages in the same provisional application that was identified in our response. There is nothing improper with his opinions. They are entirely consistent with the March 19, 2001 priority date.

Thank you,
Rob

On Apr 7, 2021, at 9:05 PM, Gaustad, John <john.gaustad@bakerbotts.com> wrote:

[EXTERNAL] Please do not reply, click links, or open attachments unless you recognize the source of this message and know the content is safe.

Counsel,

Please see the attached correspondence.

John F. Gaustad
Special Counsel

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